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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

39 N.J.R. 4915(a)

**Proposed Amendments: N.J.A.C. 13:31-1.2, 1.5, 1.6, 2.1 and 3.3**

**Proposed New Rules: N.J.A.C. 13:31-5**

[Click here to view Interested Persons Statement](#)

**Definitions; Identification of Licensees and Permittees; Vehicles; Stationary; Advertising; Fee Schedule; Qualification of Applicants; Pressure Seal and Signature Requirements; Registration as Qualified Journeyman Electrician; Registration Renewal; Suspension; Reinstatement; Inactive Registration Status; Continuing Education Requirements; Board Register of Applicants; Qualified Journeyman Electrician Identification Cards**

Authorized By: Board of Examiners of Electrical Contractors, Barbara A. Cook, Executive Director.

Authority: N.J.S.A. 45:5A-6; 45:5A-11.1 through 11.6; and 45:1-15.1.

Calendar Reference: See Summary below for explanation of exception to the calendar requirements.

Proposal Number: PRN 2007-338.

Submit comments by January 18, 2008 to:

Barbara A. Cook, Executive Director  
Board of Examiners of Electrical Contractors  
124 Halsey Street  
P.O. Box 45006  
Newark, New Jersey 07101

The agency proposal follows:

**Summary**

Pursuant to its general rulemaking authority set forth at N.J.S.A. 45:5A-6, the New Jersey Board of Examiners of

Electrical Contractors (the Board) is proposing new rules regarding the registration of qualified journeyman electricians. The proposed new rules provide that any person who is employed by a business firm or corporation to perform repair, manufacturing, maintenance and installation work on firm or corporation premises must become registered with the Board as a qualified journeyman electrician. Under the Electrical Contractors Licensing Act, the work performed by such individuals is exempt from the business permit requirements of the Act, pursuant to N.J.S.A. 45:5A-18(k). Legislation was enacted, however, which provided for the registration of such individuals. P.L. 2001, c. 21 authorizes the registration of persons employed as qualified journeyman electricians provided that they satisfy certain requirements. P.L. 2001, c. 21 will require those persons who perform the work specified in N.J.S.A. 45:5A-18(k) on firm or corporation premises and who previously voluntarily registered with the Board as qualified journeyman electricians to re-register and to renew their registration on a triennial basis. In addition, the law requires those persons who are not currently registered with the Board as qualified journeyman electricians and who are firm or corporation employees performing the activities set forth in N.J.S.A. 45:5A-18(k) to become registered with the Board and to maintain such registration in order to continue working. The Board is proposing the new rules in Subchapter 5 in order to implement the provisions of P.L. 2001, c. 21.

Proposed new rule N.J.A.C. 13:31-5.1 provides that a person must register with the Board as a qualified journeyman electrician, within one year of the effective date of the rule, in order to perform repair, manufacturing, maintenance and/or installation work on firm or corporation premises, and in order to supervise the performance of any electrical work if he or she is not already licensed by the Board as an electrical contractor. In order to be eligible to register as a qualified journeyman electrician, an applicant must have a valid, active electrical contractor license issued by the Board, or he or she must have 8,000 hours of practical electrical contracting experience and a minimum of 576 hours of classroom instruction in the performance of such work. Absent satisfaction of these requirements, an applicant can qualify for registration by demonstrating that he or she has gathered the required experience through alternative means. These requirements are currently contained in the definition of qualified journeyman electrician set forth at N.J.A.C. 13:31-1.2(b), which the Board is proposing to delete at this time because qualifications for registration are set forth in proposed new rule N.J.A.C. 13:31-5.1. Proposed new rule N.J.A.C. 13:31-5.1 also provides that any person who currently holds a qualified journeyman registration card previously issued by the Board will be required to re-register within one year of the effective date of the new rule in order to continue to perform the functions of a qualified journeyman electrician. Upon re-registration as a qualified journeyman electrician, however, such persons will become subject to the registration renewal and continuing education requirements being proposed at this time.

Proposed new rule N.J.A.C. 13:31-5.2 sets forth triennial registration renewal requirements for qualified journeyman electricians. If a qualified journeyman electrician fails to renew his or her registration, the registration will be suspended. The new rule provides that a qualified journeyman electrician applying for reinstatement of a suspended certificate of registration must submit a renewal application, all past due renewal fees and a reinstatement fee, as well as evidence of having completed the requisite number of continuing education credits.

Proposed new rule N.J.A.C. 13:31-5.3 provides a registered qualified journeyman electrician with the option of renewing his or her registration as inactive. Proposed new rule N.J.A.C. 13:31-5.4 provides that all registered qualified journeyman electricians must complete 10 credit hours of continuing education in each registration renewal period. The 10 hours must consist of nine hours of study in the most recent edition of the National Electrical Code and one hour of study in applicable State statutes and regulations. A licensed electrical contractor who is also registered as a qualified journeyman electrician will be deemed to have satisfied the continuing education requirements of the new rule if he or she has satisfied the continuing education requirements for electrical contractors set forth in current Board rule N.J.A.C. 13:31-1.7.

Proposed new rule N.J.A.C. 13:31-5.5 requires the Board to maintain a register of all applicants for registration as qualified journeyman electricians. The register will include pertinent information such as an applicant's name and address and place of employment. N.J.A.C. 13:31-1.5(f), which currently authorizes the Board to issue identification cards to qualified journeyman electricians upon the payment of a one-time fee of \$ 10.00, is proposed to be deleted. In addition, the Board is proposing technical amendments to existing rules N.J.A.C. 13:31-2.1, which sets forth

requirements for obtaining an electrical contractor license, and N.J.A.C. 13:31-3.3, which concerns the issuance of pressure seals, to provide cross-references to proposed new rule N.J.A.C. 13:31-5.1, where appropriate.

The Board is also proposing amendments to its fee schedule set forth at N.J.A.C. 13:31-1.6. The current \$ 10.00 one-time fee for the qualified journeyman electrician identification card is proposed to be deleted, and replaced with a new triennial registration fee of \$ 60.00. The registration fee is proposed to be pro-rated based on the year of registration. As a result, qualified journeyman electricians registering in the second year of the triennial period will be required to pay a \$ 40.00 initial registration fee, and those registering in the third year of the triennial period will be required to pay a \$ 20.00 initial registration fee. The triennial renewal fee for such registrations will be \$ 60.00. The new fees are necessary to offset the administrative expenses that will be borne by the Board in registering and regulating the conduct of qualified journeyman electricians in the future.

The Board has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The Board believes that the proposed new rules and the proposed amendments will have a positive impact upon applicants for registration as qualified journeyman electricians and upon members of the general public to the extent that registered qualified journeyman electricians will be required to complete continuing education on a triennial basis, thereby ensuring their continued competency to perform the electrical work that is incident to their employment.

### **Economic Impact**

The Board anticipates that the proposed new rules and the proposed amendments to the fee schedule at N.J.A.C. 13:31-1.6 may have an economic impact upon applicants for registration as qualified journeyman electricians. Such persons will incur costs associated with submitting a registration application to the Board and in completing mandatory continuing education, in addition to being required to pay initial and renewal registration fees of \$ 60.00.

### **Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendments and new rules are governed by N.J.S.A. 45:5A-1 et seq., and are not subject to any Federal standards or requirements.

### **Jobs Impact**

The Board does not believe that the proposed amendments and new rules will result in an increase or decrease in the number of jobs in the State.

### **Agriculture Industry Impact**

The proposed amendments and new rules will have no impact on the agriculture industry in the State.

### **Regulatory Flexibility Statement**

Currently, the Board licenses approximately 8,300 active electrical contractors and approximately 6,300 electrical contracting business permit holders. The number of qualified journeyman electricians who will register with the Board is not known at this time. Those persons currently registered with the Board as qualified journeyman electricians and those who will become registered with the Board in order to perform electrical work under the statutory exemption set forth at N.J.S.A. 45:5A-18(k) are not considered "small businesses" within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because they are firm or corporation employees and, therefore, no regulatory flexibility

analysis applies to this class of registrants. Applicants for registration as qualified journeyman electricians who are employed as supervisors by Board licensees or permit holders also are not considered "small businesses" within the meaning of the Act because they are employed by electrical contracting businesses and, therefore, no regulatory flexibility analysis applies to this class of registrants. If electrical contracting business permit holders are considered "small businesses," within the meaning of the Act, however, then the following analysis applies. The proposed amendments and new rules do not impose any reporting, recordkeeping or compliance requirements upon electrical contracting business permit holders.

### **Smart Growth Impact**

The Board does not believe that the proposed amendments and new rules will have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### 13:31-1.2 Definitions

(a) The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

["Qualified journeyman electrician" means:

1. A person who has a current license to practice electrical contracting issued by the Board;
2. A person who has acquired 8,000 hours of practical hands-on experience working with tools in the installation; alteration or repair of wiring for electric light, heat or power and who has had a minimum of 576 classroom hours of instruction in the installation, alteration or repair of wiring for electric light, heat or power. "Practical hands-on experience," as used in this definition, does not include time spent supervising, engaging in the practice of engineering, estimating and other managerial tasks; or
3. A person who can demonstrate that he or she has gathered the required experience through alternative means.]

...

13:31-1.5 Identification of licensees[,] **and** permittees [and qualified journeyman electricians]; vehicles; stationery; advertising

(a)-(e) (No change.)

[(f) Upon request, the Board shall issue a qualified journeyman electrician identification card to an individual who satisfies the definition of N.J.A.C. 13:31-1.2 and requests such a card. The fee, as set forth in N.J.A.C. 13:31-1.6, shall be payable only one time.]

#### 13:31-1.6 Fee schedule

(a) The following fees shall be charged by the Board:

1.-12. (No change.)

[13. Identification card, qualified journeyman electrician (payable one time). . . . \$ 10.00]

**13. Qualified journeyman electrician registration fee:**

<b>i. If paid during the first year of a triennial . . . . .</b>	<b>\$ 60.00</b>
<b>ii. If paid during the second year of a triennial . . . . .</b>	<b>\$ 40.00</b>
<b>iii. If paid during the third year of a triennial . . . . .</b>	<b>\$ 20.00</b>
<b>14. Qualified journeyman electrician registration renewal. . . .</b>	<b>\$ 60.00</b>

Recodify existing 14.-15. as **15.-16.** (No change in text.)

13:31-2.1 Qualifications of applicants

(a) Applicants for examination for a license as an electrical contractor shall present proof to the Board that the applicant:

1.-2. (No change.)

3. Has had, immediately preceding the submission of the application, at least five years of practical hands-on experience working with tools in the installation, alteration, or repair of wiring for electric light, heat or power, which work shall have been done in compliance with the National Electrical Code. "Practical hands-on experience" shall not include time spent in supervising, engaging in the practice of engineering, estimating and performing other managerial tasks. In the alternative, the applicant may satisfy the practical hands-on experience requirement by having:

i. (No change.)

ii. Satisfied the [definition of a] **eligibility requirements for a** qualified journeyman electrician as set forth in N.J.A.C. 13:31-[1.2]**5.1** and completed at least one year of practical hands-on experience as defined in (a)3 above. The applicant shall submit proof of having satisfied the [definition of a] **eligibility requirements of a** qualified journeyman electrician in N.J.A.C. 13:31-[1.2]**5.1** and a certification by an employer regarding the additional year of practical hands-on experience;

iii.-iv. (No change.)

13:31-3.3 Pressure seal and signature requirements

(a)-(c) (No change.)

(d) If the person whose license qualified a business entity to engage in electrical contracting is rendered incapable of fulfilling his or her professional duties due to death, illness or other condition, the licensee or such other individual who may lawfully act for the business entity may delay returning the official pressure seal for at least six months provided that:

1. The Board is immediately notified in writing of the name of a new electrical contractor licensed by the Board, or a qualified journeyman electrician registered with the Board **pursuant to N.J.A.C. 13:31-5.1**, or other person with substantially equivalent experience who shall qualify the business entity during the interim period provided by this subsection; and

2. (No change.)

(e)-(g) (No change.)

## **SUBCHAPTER 5. QUALIFIED JOURNEYMAN ELECTRICIANS**

### **13:31-5.1 Registration as qualified journeyman electrician**

(a) A person shall register as a qualified journeyman electrician within 365 days from (the effective date of this rule) in order to engage in the activities set forth in N.J.S.A. 45:5A-18(k), and, if the person is not a licensee, in order to supervise the performance of electrical work pursuant to N.J.A.C. 13:31-3.4. In order to register as a qualified journeyman electrician, an applicant shall submit the registration fee set forth at N.J.A.C. 13:31-1.6 and shall submit a completed application that establishes that the applicant:

1. Holds a current valid active license to practice electrical contracting issued by the Board;
2. Has acquired 8,000 hours of practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power and who has had a minimum of 576 classroom hours of related instruction. The requirement of practical experience shall not include time spent in supervising, engineering, estimating and other managerial tasks. At least 4,000 hours of the practical experience shall have been obtained within five years of the date of application; or
3. Can demonstrate to the satisfaction of the Board that he or she has gathered the required experience through alternative means.

(b) Any person who holds a qualified journeyman registration identification card issued by the Board pursuant to N.J.A.C. 13:31-1.5(f) on (the effective date of this section) shall be deemed to be qualified under (a) above but shall re-register within 365 days from (the effective date of this rule) in order to continue to perform the functions of a qualified journeyman electrician. A previously issued identification card shall be valid for 365 days from (the effective date of this rule). Upon registration as a qualified journeyman electrician, the identification card previously issued shall automatically expire and such person shall be subject to the requirements of N.J.A.C. 13:31-5.2 through 5.5.

### **13:31-5.2 Registration renewal; suspension; reinstatement**

(a) A qualified journeyman electrician shall renew his or her certificate of registration for a period of three years from the last expiration date. The qualified journeyman electrician shall remit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:31-1.6, prior to the date of registration expiration. A qualified journeyman electrician who submits a renewal application within 30 days following the date of registration expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:31-1.6. A qualified journeyman electrician who fails to submit a renewal application within 30 days of registration expiration shall have his or her certificate of registration suspended without a hearing.

(b) A qualified journeyman electrician who has had his or her certificate of registration suspended pursuant to (a) above may apply to the Board for reinstatement within five years following the date of certificate of registration expiration. A qualified journeyman electrician applying for reinstatement shall submit a renewal application, all past delinquent renewal fees and the reinstatement fee set forth in N.J.A.C. 13:31-1.6, as well as evidence of having completed all continuing education credits, consistent with the requirements set forth in N.J.A.C. 13:31-5.4, for the current triennial registration period within three years prior to the date of application for reinstatement.

**13:31-5.3 Inactive registration status**

A qualified journeyman electrician may, upon application to the Board, renew his or her certificate of registration by choosing inactive status. A qualified journeyman electrician electing to renew his or her certificate of registration as inactive shall not perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and N.J.A.C. 13:31-3.4 for the entire triennial registration period. An inactive registrant may resume the practice of electrical work consistent with the provisions of N.J.S.A. 45:5A-18(k) and N.J.A.C. 13:31-3.4, upon submission of an application to the Board, which shall include evidence of having completed the continuing education requirements, set forth in N.J.A.C. 13:31-5.4, for the current triennial registration period within three years prior to the date of application for return to active status.

**13:31-5.4 Continuing education requirements**

(a) Upon triennial registration renewal, a qualified journeyman electrician shall attest that he or she has completed 10 credit hours of continuing education, consisting of nine hours on the most recent edition of the National Electrical Code and one hour on applicable State statutes and rules. Falsification of any information submitted on the registration renewal application may require an appearance before the Board and may subject the registrant to disciplinary action as set forth in N.J.S.A. 45:1-21 et seq. Falsification of any information submitted on the registration renewal application by a qualified journeyman electrician who is also a licensed electrical contractor may also result in the suspension or revocation of his or her electrical contracting license. A licensed electrical contractor who satisfies the requirements of N.J.A.C. 13:31-1.7 shall be deemed to have satisfied the requirements of this section.

(b) Any continuing education credits completed by the qualified journeyman electrician in compliance with an order or directive from the Board as set forth in (g) below shall not be used to satisfy the minimum continuing education requirements of this section.

(c) One credit of continuing education shall be granted for each hour of attendance at programs or courses approved by the Board pursuant to N.J.A.C. 13:31-1.7(d)1, consistent with the following requirements:

1. Credit shall not be granted for programs or courses that are less than one instructional hour long;
2. Credit shall not be granted for more than eight instructional hours obtained in one day; and
3. Completion of an entire program or course or segment of program or course instruction shall be required in order to receive any continuing education credit.

(d) The Board shall perform audits on randomly selected qualified journeyman electricians or upon any qualified journeyman electrician who is the subject of a complaint received by the Board or who is the subject of any Board investigation to determine compliance with continuing education requirements. A qualified journeyman electrician shall maintain a certificate of completion from the sponsor for a period of six years after completion of the continuing education credits and shall submit such documentation to the Board upon request.

(e) All sponsors of continuing education programs or courses shall comply with the requirements set forth in N.J.A.C. 13:31-1.7(h) and (i).

(f) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service, or for retirement of the certificate of registration as provided in N.J.A.C. 13:31-5.3.

**1. A qualified journeyman electrician seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to registration renewal and set forth in specific detail the reasons for requesting the waiver. The qualified journeyman electrician shall provide the Board with such supplemental materials as will support the request for waiver.**

**2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the triennial period in which such waiver is granted. If the condition(s) which necessitated the waiver persist(s) into the next triennial period, a qualified journeyman electrician shall apply to the Board for the renewal of such waiver for the new triennial period.**

**(g) The Board may direct or order a qualified journeyman electrician to complete continuing education credits:**

**1. As part of a disciplinary or remedial measure in addition to the required 10 hours of continuing education credit; or**

**2. To correct a deficiency in the qualified journeyman electrician's continuing education requirements.**

#### **13:31-5.5 Board register of applications**

**(a) The Board shall maintain a register of all applicants who apply for registration as qualified journeyman electricians pursuant to N.J.A.C. 13:31-5.1. The register shall contain the following information:**

**1. The name, address, telephone number, and age of the applicant;**

**2. The date of the application;**

**3. The place of business of the applicant, if applicable;**

**4. Whether the applicant was accepted or rejected, and in the case of a rejection, the reasons for the rejection;**

**5. The registration number issued to accepted applicants; and**

**6. The date of Board action on the application.**